



**Nantucket Board of Selectmen
Findings and Recommendations
for
2006 Annual Town Meeting Warrant Articles**

The Nantucket Board of Selectmen finds that each of the following warrant articles for the 2006 Annual Town Meeting, as recommended by the Finance Committee and/or Planning Board:

- May either comport with, or conflict with elements of the Nantucket Planning Board's master plan presently being developed according to MGL Ch 41, 81D. The Planning Board is suggesting that Town Meeting consider adjusting zoning so that it aligns with, and is more likely to foster, established development patterns.

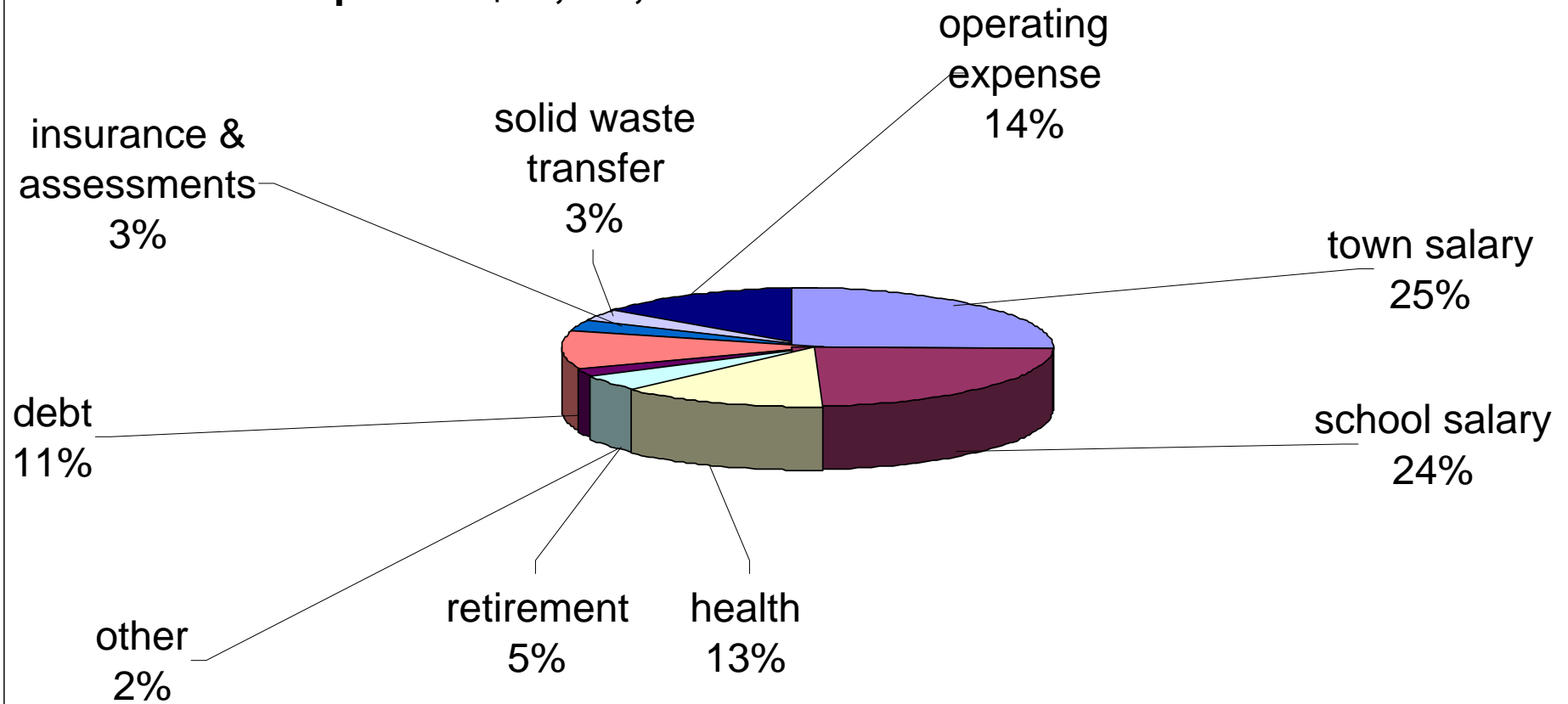
An important distinction between this concept and the neighborhood planning process under the earlier *Nantucket Planning & Economic Development Commission's Comprehensive Community Plan* is that it is a faster paced and less structured process, relying on a less formal sense of neighborhood acceptance and advocacy. Where there is widespread agreement and little dissent within the affected neighborhoods, the Board of Selectmen recommends that Town Meeting act on the proposal, definitively. Where issues of conflict have arisen within neighborhoods, the Board recommends that Town Meeting heed the Planning Board motion to defer action pending either a resolution within the neighborhood, or completion of the more structured neighborhood planning process.

- Or, may either comport with, or conflict with elements of the *NP & EDC's Comprehensive Community Plan* of 2000, or its associated neighborhood planning processes.
- Or, relates to other established goals, policies or priorities, as indicated.
- Or, may provide a means for Town Meeting to inform the town agencies, boards, commissions and committees in developing policies. As such, the Board will consider Town Meeting action on those articles as a policy bellwether.

The Board of Selectmen recommends that voters consider these relationships in evaluating the motions presented to Town Meeting.

***Note:** The voter may wonder at the zoning articles that are submitted by the Board of Selectmen, for the Planning Board that may carry a recommendation not to adopt at present. Many of the issues under review by the Planning Board as part of the master plan process have been illuminated and clarified through the public hearings and review of the articles.*

General Fund Expenses \$63,939,760*



** As recommended by the Finance Committee, 84% of the general fund appropriation will pay FY 07 expenses associated with multi-year commitments. The remaining amounts: 14% operating expense, and 2% other, fund FY 07 costs including repairs and maintenance of equipment and facilities, utilities, supplies and contracted services.*

Article 26 (Appropriation: Broadcast of Meetings of Local Boards and Commissions/Silverstein)

This article proposes that the Town provide funds for filming and broadcasting of meetings of various local boards and commissions. The Finance Committee's recommendation that the Town include this item in the negotiations for the upcoming cable television license renewal would allow the request to occur without the need for funding from an already tight fiscal year budget. Referring the matter to the Cable Television Advisory Committee would encourage further inquiry into the possibility of a public access channel and allow more time to consider issues raised during the Board of Selectmen review period, such as the specifics of the proposal, availability of funds, and the possibility of Comcast "feeds."

Article 27 (Establishment of Open Space Zoning District and Zoning Map Change) This article proposes to allow Town Meeting to protect areas that it designates as open space by aligning the zoning with the established land use, in accordance with the master planning process. Presently, such lands held by non-profits provide no tax revenues to the town as a general rule, yet retain rights for development under the zoning code. This bylaw proposes to allow Town Meeting to oversee the development potential on at least some of those lands. The Planning Board recommendation to defer action will allow time to resolve conflicting issues raised during that Board's review period.

Article 28 (Zoning Map Change: Madaket, RC to LUG 2)

This article proposes to reduce the density potential of an area in Madaket, consistent with the area planning process and the Town and Country concept of the NP & EDC Comprehensive Community Plan, and consistent with the master planning process, aligning the zoning with the land use pattern.

Article 29 (Zoning Map Change: Pine Valley, RC2 to R10)

This article proposes to preserve the present character of the Pine Valley development (off Bartlett Road), consistent with the master planning concept of aligning the zoning with the land use. Alternatively, under the existing zoning, most of these lots have the potential for further subdivision and for commercial activity when the original developers' deed restrictions expire.

Article 30 (Zoning Map Change: Pine Crest, RC2 to R2)

This article proposes to preserve the present character of the interior sections of the Pine Crest development (off Old South Road), consistent with the master planning concept of aligning the zoning with the land use. Alternatively, under the existing zoning, most of these lots have the potential for commercial activity and re-subdivision. The Planning Board recommendation to defer action on this article would provide time for neighborhood involvement in refining the proposal.

Article 31 (Zoning Map Change: Squam)

This article proposes to preserve the present character of the Squam Road area; consistent with the master planning concept of aligning the zoning with the land use, and consistent with the Town and Country concept of the NP & EDC plan. Alternatively, under the existing zoning, many of these lots have the potential for increased density through further subdivision.

Article 32 (Zoning Map Change: Cliff Road to Hummock Pond Road)

This article proposes to preserve the present character of an area west of town, between Cliff Road and Hummock Pond Road; consistent with the master planning concept of aligning the zoning with the land use, and consistent with the Town and Country concept of the NP & EDC

plan, by redefining the border between Town and Country zones. Alternatively, under the existing zoning, many of these lots have the potential for increased density through further subdivision.

Article 33 (Alteration of Town and Country Overlay District Map)

Same comment as for Article 32.

Article 34 (Zoning Map Change: Miacomet Avenue and Otokomi Road)

This article, proposes to do two separate things with one article. Clarity of understanding requires that the individual components of the article be considered independently from one another. The Planning Board recommendation to defer action will provide time to clarify the proposals.

Article 35 (Zoning Map Change: South Shore Road, Blueberry Lane)

This article proposes to increase the potential density for an area at the edge of the town overlay district, consistent with the Town and Country concept expressed in the NP & EDC plan.

Article 36 (Zoning Map Change: Vicinity of Vesper Lane)

This article proposes to allow for some limited further commercial activity in the vicinity of the hospital, and is consistent with the NP & EDC plan concept of neighborhood service centers. The Planning Board recommendation to defer action on this article would provide time for further neighborhood involvement in refining the proposal.

Article 37 (Zoning Map Change: Vesper Lane, Roberts Lane, Somerset Road, Cato Lane)

This article proposes to increase the density in an area south of Vesper Lane, from one half acre to one quarter acre zoning. Located within the Town district, the proposal is not fully compliant with the Town and Country concept. The needed infrastructure does not presently exist. Neither can it be said that this proposal comports with the master planning process. The proposed zoning is not aligned with the present land use pattern.

Article 38 (Zoning Map Change: Tom Nevers Area/Kymer)

This article proposes to increase the density in an area of Tom Nevers. The Planning Board recommendation to defer action on this article would provide time for further neighborhood involvement in refining the proposal.

Article 39 (Zoning Map Change: Fairgrounds Road/Hanlon)

This article would increase the density in an area of Fairgrounds Road, from two acre to one half acre. The proposal is consistent with the Town and Country concept of the NP & EDC plan. Surrounded by the town zone, and with infrastructure in place, the Board of Selectmen finds that planners had been aware of a likelihood that this parcel was to be purchased for open space preservation at the time the zones were created, and consequently chose not to recommend to include it at that time in what was the Town overlay zone by all established criteria.

Article 40 (Zoning Bylaw Amendment: Major Commercial Developments/Sanders) This article proposes to extend the ban on retail uses over 20,000 square feet for another two years. The Board of Selectmen notes the Planning Board's negative recommendation, together with a positive recommendation on Article 41. The Board of Selectmen finds that when first enacted, this article had been consistent with the NP & EDC plan, providing a moratorium on big box retail (as well as any expansion at the Stop & Shop) until after the NP & EDC appointed work group completed the Mid Island Plan Overlay District proposal, and until Town Meeting had a

chance to act on that proposal. Now, with all of that complete, the planning purpose for this article no longer exists. The Board finds that this proposal would create a perpetual temporary moratorium.

Article 41 (Zoning Bylaw Amendment: Major Commercial Developments)

This article proposes to extend the ban on retail uses over 20,000 square feet outside of the mid-island overlay district. The Board of Selectmen finds that the NP & EDC mid-island plan neighborhood process has completed its review and developed the criteria befitting further retail development in the mid-island overlay district; that it is appropriate to end the moratorium, now, in this area, and to allow the Stop & Shop and others to proceed with their planning, according to Nantucket's established regulatory standards and review processes.

Article 42 (Zoning Bylaw Amendment: Formula Business Overlay District/Hudson)

This article proposes to prohibit formula businesses (chain stores and franchises) within a defined district at the core of downtown. The Board of Selectmen considers this a bellwether article that will inform future policy decisions; in particular, the portion of the master plan that will address issues affecting the local economy. Things to consider are the significance of maintaining a unique sense of place, the pros and cons of possible economic impacts on small independent businesses, and questions of consumer choice.

Article 43 (Zoning Bylaw Amendment: Adult Use)

This article provides enforceable limits by allowing in narrow circumstances, adult use businesses. Without this zoning change, existing zoning could be ruled unreasonable. Thus, allowing adult use businesses in any commercially zoned area.

Article 44 (Zoning Bylaw Amendment: Rate of Development)

This article seeks to delete section 24, "rate of development" from Chapter 139 of the Town Code (Zoning) as it has eclipsed its original intent of prohibiting developers from capitalizing on a limited number of building permits available under a building cap long since eliminated.

Article 45 (Zoning Bylaw Amendment: Permitted Uses/Willett)

Bellwether on policy direction.

Article 46 (Zoning Bylaw Amendment: Duplex Ownership/Williams)

This article proposes to expand options of owners so as to encourage increased market rate housing within the R-10 zoning district served with both water, sewer, paved roads, etc. It is entirely within the Town Overlay District.

Article 47 (Zoning Bylaw Amendment: Setback Requirements/Williams)

This article proposes to increase the potential for off- street parking by allowing a decrease in front yard setbacks, allowing room for parking cars behind the houses for aesthetic purposes.

Article 49 (Zoning Bylaw Amendment: Public Wellhead Recharge District) Bellwether on policy direction. This article proposes to exempt the Town from a prohibition on washing police cruisers, fire trucks, etc. on the Town-owned property at 2 Fairgrounds Road. Favorable action will indicate to Board of Selectmen that, at present, Town Meeting unreservedly favors the concept of a new public safety complex there.

Article 51 (Sewer District Map Changes/Board of Selectmen Proposal)

This article proposes to make corrections to the sewer district maps as adopted and amended by the 2004 Annual and Special Town Meetings and 2005 Annual Town Meeting in accordance with the criteria established by the Board of Selectmen at the time the maps were initially prepared by the Town for Town Meeting's consideration.

The criteria defined the districts as including those lots presently served by the existing sewer systems, or presently permitted for connection to the existing systems. One selectman at the time expressed it as: "If you're in you're in – if you're out you're out".

Defined sewer districts are a necessary reference in projecting capacity requirements for designing the wastewater treatment plants to which the town has now committed. Two important requirements of state law are that the sewer districts must be established by vote of Town Meeting as depicted on a map, and that individual lots of similar situations and circumstances be treated equally – that is, that the map be based on sound planning principles, rooted in objective criteria.

The Board of Selectmen finds that the age, condition and characteristics of the existing sewer collection systems have all contributed to inevitable errors of omission when the maps were created, and that it is likely that there will continue to be (fewer and fewer) omissions discovered over time. These changes propose to correct the maps so that they conform to the closest extent known to the initial governing criteria.

Articles 52 through 60 (Sewer District Map Changes/Citizen Articles)

These private initiatives all propose to add additional lots to the sewer districts for individual reasons. In accordance with NP & EDC Comprehensive Community Plan 6.4.1, Nantucket's Comprehensive Wastewater Management Plan does identify additional needs areas for eventual expansion of the sewer system based upon the existing Board of Health regulations and recorded soil characteristics; and those needs areas have been taken into account by the engineers in calculating the capacity of the treatment plants. Soon, Town Meeting will be considering proposals for extending the sewer districts to include those areas.

The Board of Selectmen finds that the proposals in articles 52 through 60 do not identify specific criteria and the commensurate planning principles, including the identity and location of any other lots of similar situation and circumstances. If adopted, each of these proposals will commit the town to meeting an unknown and unknowable demand for future capacity. ***The town's future capacity commitment will not be limited to the specific proposals, but will likely be extended by the courts to include all lots of similar situation and circumstance.***

The longstanding policy of the Board of Selectmen (as amended June 26, 2002) provides for no further expansion of the sewer system, with a very few limited exceptions. Town Meeting's adoption of sewer districts, beginning in 2004 has made those established administrative procedures obsolete, in favor of a direct, personal appeal to Town Meeting. The Board of Selectmen notes the recommendations of the Finance Committee on these articles, and finds that there is a need for Town Meeting to establish an administrative mechanism to more fully evaluate proposals to expand the sewer districts. The board is committed to recommending specific procedures by the 2007 Town Meeting. If there is merit in any of the proposals in articles 52 through 60, that merit will withstand a full evaluation at that time.

Article 72 (Municipal Electric Aggregate)

The Board of Selectman is interested in this article as a bellwether indicator for policy direction.

Article 74 (Authorization to relocate Police Department)

Bellwether on policy direction. This article proposes blanket authorization to relocate all or part of the Police Department outside the core downtown district. Favorable action will indicate to the Board of Selectmen that, at present, Town Meeting unreservedly favors the concept of a new out-of-town police station.

Articles 77 and 78 (Real Estate Acquisition: 96 Washington Street/Sayle)

The Board of Selectmen is currently in negotiations/discussions with the proponents of the Great Harbor Yacht Club. The Board recommends that both articles be postponed indefinitely.

Article 79 (Real Estate Conveyance: Miller's Way/Reade)

This article would allow for an access easement across public land. Postponing this article will allow time for the Planning Department to more fully assess current and future use of this property (6 acres).